

VIRGINIA BATTLEFIELD PRESERVATION FUND

2016 Grants Program Manual

May 16, 2016

Administered by the Virginia Department of Historic Resources

Virginia Battlefield Preservation Fund Grants
Guidelines for Applications, Prioritization, and Award of Grants
State Fiscal Year 2017 Grants
Application Deadline: 5:00 PM on August 15, 2016

AUTHORITY AND PURPOSE

Chapter 22 Title 10.1 of the Code of Virginia entitled "Historic Resources" created the Virginia Department of Historic Resources (hereinafter referred to as the "Department" or "DHR") and was enacted to support the preservation and protection of the Commonwealth of Virginia's significant historic, architectural, archaeological, and cultural resources. Specifically, section 10.1-2202.4 of the Code of Virginia, as amended, stipulates that the Department shall establish, administer, manage and make expenditures and allocations from a special non-reverting fund to be known as the Virginia Battlefield Preservation Fund (hereinafter referred to as the "Fund") to be used for the purpose of making grants to nonprofit organizations for the permanent protection of Virginia battlefield lands.

In accordance with the authority and guidance established in Sections 10.1-2202 and 2202.4 of the Code of Virginia, the Department may provide grants for the fee simple purchase of, or purchase of protective interests (conservation easements) in, a Virginia battlefield associated with the Revolutionary War, War of 1812, or Civil War, and that meets the eligibility requirements of this program. DHR has established the following guidelines and criteria to facilitate the award and administration of grants made through the Fund.

GRANT PROGRAM OVERVIEW

The Director of the Department of Historic Resources is charged with establishing, administering, managing, and making expenditures and allocations from the Fund and establishing guidelines for applications, evaluation, and award of grants from the Fund in consultation with appropriate battlefield preservation interests. Monies in the Fund (up to \$1 million in General Funds subject to final appropriations for FY 2017) shall be used by the Department exclusively for the purpose of protecting battlefield sites by means of grants to nonprofit organizations (hereinafter referred to as "organizations") to match federal grants and other public and private funds.

All such grants shall be made solely for either (i) the fee simple purchase of, or (ii) purchase of permanent protective easement on, any Virginia battlefield property listed in the following reports issued by the National Park Service's American Battlefield Protection Program:

- *Report on the Nation's Civil War Battlefields* (1993, rev.2009, as amended), (available at the following web link: <http://www.nps.gov/abpp/battles/tvii.htm>)
- *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* (2007, as amended), (available at the following web link: http://www.nps.gov/abpp/Rev1812_Final_Report.pdf).

Applications will be evaluated and ranked in accordance with Section 10.1-2202.4 of the Code of Virginia, the "Eligibility and Evaluation Criteria" stated below. Applications that do not meet the eligibility, administrative, funding, and application criteria will not be considered. Applications that are incomplete as of August 15, 2016 will not be considered. Additional information or documentation necessary to complete an application will not be accepted after August 15, 2016.

The Department reserves the right to make grant awards less than the amounts requested based on the Director's assessment of the project proposal including the eligibility, administrative, funding, and application criteria and the "Eligibility and Evaluation Criteria", when total requests exceed available funds and/or to achieve the maximum benefit for the use of these public funds, in his or her sole discretion. The Director has absolute discretion in evaluating project proposals and in determining which projects will receive funding and how much funding will be allocated to a particular project.

PROJECT COMPLETION DEADLINE

The Department anticipates that funds available for 2016-17 grants will be awarded in September 2016. Unless other arrangements are made with the Department, all projects awarded funds in this call for proposals are expected to be completed by May 15, 2017 and all required final documentation and payment requests received by the Department by June 1, 2017. Applicants must demonstrate that they have the necessary funding and administrative resources to complete the project by the applicable deadline. Awards will not be made for projects that cannot demonstrate with a high degree of certainty that they will be completed by the applicable deadline. If a project is not substantially completed by May 15, 2017 without an alternate schedule approved in writing in advance by DHR, those funds may be subject to release in order to be re-awarded to a different project.

ELIGIBLE ORGANIZATIONS

1. Nonprofit organizations with valid, active 501(c)(3) status may apply. Applicants must demonstrate:
 - a. that Virginia battlefield preservation or conservation is part of their mission through submission of the organization's mission statement, policies, by-laws or other formal documentation; and
 - b. that the organization has the capacity and expertise to carry out land management, stewardship, and conservation and preservation activities consistent with the purposes of the Fund and professional historic preservation and land conservation practices.
 - i. Documentation of such capacity and expertise could include the names and professional credentials of paid or volunteer staff,
 - ii. Examples of training seminars or conferences attended by staff,
 - iii. Samples of forms, templates, files prepared and maintained for properties managed or stewarded by the organization.
2. Grant applications shall include documentation providing proof of the applicant's tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code. Organizations that are organized or established in a state other than Virginia must document that the organization is duly registered and in good standing with the Virginia State Corporation Commission.
3. All applicants must document that they are currently registered with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, Sections 57-48 through 57-69 of the Code of Virginia.

ELIGIBLE PROJECTS

1. Projects may be either acquisition of real property in fee simple or full or partial purchase of a permanent protective easement over real property; and
2. The proposed project must be for a specific Virginia battlefield or site designated in one of the following reports issued by the National Park Service's American Battlefield

Protection Program: (i) *Report on the Nation's Civil War Battlefields*, as amended, or (ii) *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States*, as amended.

- a. For battlefields and sites associated with the Civil War, the property must have an assigned priority rating in the *Report on the Nation's Civil War Battlefields*; or
- b. For battlefields and sites associated with the Revolutionary War and the War of 1812, the property's association with either war must be established by historic documentation to the satisfaction of the Director.

GENERAL REQUIREMENTS

Match Requirements: Organizations seeking grant monies from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund for the proposed project. As used herein, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be used for the matching funds.

Applicants must demonstrate that they have the appropriate match amount from eligible sources. A bank statement and certification from the applicant organization's president or executive director may be used to meet this requirement. Such statement and certification should specify the source of the funds to ensure that no state funds are used as part of the match.

Eligible Costs: Eligible costs for which monies from the Fund may be allocated include

1. fee simple acquisition of land and any improvements thereon (collectively referred to herein as "land"); or
2. conveyance of a permanent protective easement, and
3. costs associated with such acquisition or conveyance, including the cost of appraisal, environmental assessment, boundary survey, title searches, and title insurance, and other closing costs.

However, please keep in mind that the total grant amount requested from the Virginia Battlefield Preservation Fund shall not exceed fifty (50%) percent of the appraised value of the land or of the permanent protective interest therein.

Prospective and Prior Purchase Eligibility: Grants may be awarded for prospective purchases or for prior acquisition in fee simple on which the applicant has already closed.

1. In the case of prospective purchases, no grant payments from the Fund will be released until after closing on the purchase of the property is made by the grant applicant.
2. In the case of prior acquisition, the applicant must demonstrate:
 - a. The closing occurred on or after August 15, 2015 (i.e. no more than 12 months prior to the application deadline for this grant);
 - b. A specific, identifiable threat to the resource or compelling preservation need that existed at the time of the purchase and documentation of the threat; and
 - c. The land is not currently protected by public ownership or a permanent protective interest in the land for conservation purposes.

Applications for prospective purchases will be given priority over those for acquisitions that have already closed.

Perpetual Easement Required: Any eligible organization making an acquisition of land or protective interest therein using monies from the Fund pursuant to Va. Code § 10.1-2202.4 shall grant to the Commonwealth of Virginia, Board of Historic Resources, a perpetual easement

placing restrictions on the use or development of the land as a condition for the use of these public funds.

Nothing in this section shall preclude the subsequent transfer or assignment by a state agency or other holder or owner of any property interest acquired pursuant to this section to the United States of America to be incorporated into a national park, national wildlife refuge, or other national conservation area in accordance with 16 U.S.C. §§ 1, 551, 742(a), or 1131, as amended and applicable.

Easements on lands purchased in fee simple with monies from the Fund shall be recorded within twelve (12) months of land acquisition or the recipient risks being required to return the grant funds awarded. Fee simple interests acquired with monies from the Fund must be encumbered by a perpetual conservation easement, as required by Va. Code § 10.1-2202.4, recorded in the land records where the property is located prior to being sold, conveyed, transferred, or otherwise encumbered by the applicant.

Compliance with State and Local Plans: Pursuant to Section 10.1-1701 of the Code of Virginia, applicants must submit documentation that the proposed use of the property as open-space land and/or placing a perpetual conservation and preservation easement on the property conforms to the official current comprehensive plan for the locality or localities in which the property is located. Such documentation shall include (i) written correspondence from the locality's Planning Department, or equivalent agency, that conservation of the property is consistent with the current comprehensive plan in effect as of the date of the application and notification of any conflicts with the comprehensive plan; and (ii) copies of the relevant sections of the comprehensive plan; and (iii) copies of the current and future zoning or land use maps. The application should also document whether conservation of the property is consistent with the statewide Virginia Department of Transportation's Six-Year Improvement Program and the Virginia Outdoors Plan (2013, as amended or superseded) prepared by the Department of Conservation and Recreation. The VDOT Six Year Improvement Program database is available at <http://www.virginiadot.org/projects/syp-default.asp> ; The Virginia Outdoors Plan is available at <http://www.dcr.virginia.gov/recreational-planning/vop>

Integrity: The applicant must identify all improvements on the property as of the date of the application and the current use(s) being made of the property. This shall include (i) a written description of all existing buildings, structures, features, sites, and amenities that would convey with the property—please consider underground utilities, wells, septic systems, driveways, and other impervious surface coverage when identifying improvements; (ii) current photographs of all improvements and unimproved land on the property; (iii) written description of past and current uses of the property, including activities such as agricultural crop production, animal husbandry, equestrian uses, timber harvesting/replanting, residential uses, vacant land, etc., and any associated documents such as plats of survey, aerial photographs, historic photographs, etc.; (iv) brief written description of planned future uses of the property, and (v) any planned changes or alterations to the property, including proposed new construction or removal of existing buildings and/or structures.

Appraisal Required: Prior to the expenditure of grant funds, a current appraisal must be obtained. This appraisal must have an effective date within 180 calendar days of the signing of the contract to purchase the property or of the proposed date of execution of the deed of easement by the property owner. The appraisal must be completed by a professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amend (FIRREA). A copy of the appraisal, signed by the professional licensed and certified appraiser, must be submitted to the Department for review to

support the proposed acquisition cost. Please note that, depending on the funding structure of the transaction, a second appraisal meeting the Uniform Standards of Professional Appraisal Practice (USPAP) may be necessary. A USPAP appraisal is required if the landowner intends to seek federal or state tax benefits for the donation of any portion of the value of the conservation easement. Please contact Wendy Musumeci, DHR's Easement Program Coordinator (wendy.musumeci@dhr.virginia.gov) for more information.

Ownership and Title: The applicant must provide a continuous chain of title for at least forty (40) years prior to the date of the application including copies of all covenants, restrictions, encumbrances and liens that impact the property. This includes encumbrances such as utility easements recorded in the land records and residential leases or agricultural licenses that are not recorded but that grant third parties rights to access or use the property. Copies of the deeds of conveyance, including the deed naming the current landowner as grantee, and copies of all encumbrances, including any public utilities and access easements and associated maps/plats, must be included with the application. Such documentation can be prepared by a title insurer, attorney, title searcher, surveyor, or other experienced title professional. A title commitment or title report without complete legible copies of every legal instrument listed in the title commitment or report will not satisfy this requirement.

Willing Seller: Applicants must demonstrate that the owner of the property is willing to sell the land or perpetual easement to the applicant. For fee simple acquisition, if the applicant does not have a contract of sale or contingent contract of sale/option contract, a signed and notarized letter from the property owner indicating his or her willingness to enter into such a contract must be included with the application. For easement acquisition, a signed notarized letter from the property owner indicating his or her willingness to convey a perpetual easement and authorizing the applicant to apply on his/her behalf must be included with the application.

Management Plans/Capacity: Applicants who intend to acquire fee simple interests must demonstrate that they have realistic plans and the organizational and financial capacity to ensure appropriate treatment and ongoing management of historic resources on the land once the sale is complete. Applicants can demonstrate such capacity by providing documentation of management plans for other properties owned, managed or stewarded by the applicant; successful completion of projects, such as timely completion of other projects accomplished using a grant from the Fund or installation of interpretive signage or organization of a battlefield tour or educational program; appropriate rehabilitation of an historic property.

Applicants who are acquiring real property in fee simple whose integrity has been compromised by modern improvements may be required to rehabilitate the property and to execute a management plan for that rehabilitation work. Applicants should document that they have adequate independent sources of funding to accomplish such rehabilitation in a timely fashion. No portion of any grant from the Fund may be used for rehabilitation of a battlefield property or improvements thereon.

ELIGIBILITY AND EVALUATION CRITERIA

1. Eligibility criteria that must be met prior to evaluation or ranking of the application:
 - Location of the proposed project in relation to core and study areas of the battlefield for Civil War sites; or historic documentation, such as contemporaneous battle maps, contemporaneous battle accounts, establishing that the proposed project area is within the boundaries of Revolutionary War or War of 1812 battlefield or site;

- Financial and administrative capacity of the applicant to complete the project. If a fee simple acquisition, demonstration of the applicant's ability to maintain and manage the property consistent with the public investment, public interests, and professional historic preservation practices must be met;
- Consistency with local comprehensive plan, Virginia Outdoors Plan, and VDOT Six-Year Improvement Program; and
- Documented threat or compelling preservation need.

2. Evaluation Criteria used to prioritize eligible projects:

- Significance of the battlefield as designated in the: (i) *Report on the Nation's Civil War Battlefields*; (ii) *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States*, and/or (iii) application of the. Priority will be given to battlefields that are listed as Priority I or II sites in *Report on the Nation's Civil War Battlefields*, or as Class A or B sites in *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States*;
- Additional historic significance of the property as documented through a Virginia Landmarks Register/National Register of Historic Places nomination, or determination of eligibility for listing according to the National Register of Historic Places criteria, set forth in 54 U.S.C. § 302101 and 36 CFR 60.4, by the Department as Virginia's State Historic Preservation Office.
- Degree to which the property falls within the core and/or study areas of the specific battlefield or other applicable measure of association established by the American Battlefield Protection Program, as applicable;
- Proximity to other protected or conserved lands;
- Degree of integrity (degree or level of preservation) of the features associated with the battle in question; Priority will be given to properties that have a higher level of integrity as historic battlefield landscapes.
- Current identified threats to the integrity and/or preservation of the property as a battlefield landscape. Priority will be given to properties where there is an active and immediate threat to its integrity or preservation and where the potential to protect a property with a high level of integrity or that presents a unique preservation opportunity. Properties whose integrity has already been compromised by modern improvements or whose preservation potential has been limited by permanent encumbrances will be evaluated accordingly.
- Financial and administrative capacity of the applicant to complete the project;
- For fee simple acquisition, financial and administrative capacity of the applicant to maintain and manage the property in a manner that is consistent with battlefield preservation, the public investment and public interests, such as education, recreation, research, heritage tourism promotion, or orderly community development;
- Additional compelling preservation and/or public benefit opportunities that the project will address;
- Public access that will result from the project (note: a minimum of two days per year is a mandatory requirement of the Board of Historic Resources, as easement holder);
- Proportion of match greater than 50% of project costs (bargain sale does not count toward extra consideration);
- Priority will be given to projects that protect "new lands" not already purchased or conserved by a perpetual easement;
- Record of timely completion of projects by past recipients of monies from the Fund;
- Extent of encumbrances on the property such as utility easements that may interfere with preservation purposes of the easement; and

- Environmental concerns or hazards, such as underground storage tanks or prior uses that may have resulted in contamination, or that may complicate implementation of a battlefield easement.

The following types of projects/costs are **not** eligible:

- Land/real property that is in public ownership and protected for purposes consistent with this program;
- Land/real property that is already encumbered by a permanent conservation easement;
- Indirect costs (staff time or overhead);
- Acquisition projects that include costs for maintenance, operation, development, redevelopment, rehabilitation or interpretation of lands and/or improvements or facilities. Any such cost must be excluded from the total project costs and will not be considered as match contribution; and

APPLICATIONS

Applicants for grants through the Virginia Battlefield Preservation Fund (VBPF) must provide all information requested in the **Virginia Battlefield Preservation Fund Grants Application Form** in order to be considered for an award. Incomplete applications will not be considered. Please label supplemental materials according to the application form and collate them in the order provided in the application form. Additionally, please submit the cover sheet included as page 1 of the application form.

Department of Historic Resources (DHR) staff is available for consultation at any time during the VBPF application process. Please contact us with any questions; contact information is provided below.

A complete application will consist of:

1. Cover Sheet (page 1 of the Application Form)
2. Completed Application Form including Attachments A-O

Completed applications must be RECEIVED at the DHR Richmond Office (address below) or via electronic submission by **5:00 PM, August 15, 2016**. Applications must be submitted in PDF format either on a CD, USB drive, or via email or a file transfer protocol (FTP) such as DHR's VITAShare or Dropbox. Unusually large documents may not be receivable via email and it is possible that neither DHR nor the applicant will be notified of an unsuccessful delivery attempt. If the document is greater than 5MB in size, applicants should use DHR's VITAShare site:

<https://vitashare.virginia.gov/fcweb/jsp/logon.jsp>

To use VITAShare:

1. Click on the link provided above or enter the address manually.
2. Click on the gray radio button labeled Public Access.
3. The sender must enter his/her email address.
4. Check the box confirming that the sender acknowledges that the site is not intended for sensitive or confidential information.
5. The intended recipient must have a Virginia.gov email address.
6. The sender can request email notification that the files have been downloaded by the recipient. Please use this function to help ensure that the application and supplemental materials were received by DHR.
7. The system may prompt you to download Java in order to upload documents. There is an option to manually upload files if you are unable to download Java.

It is the responsibility of the applicant to ensure that the submission meets the deadline. DHR staff will confirm receipt of your application by email only. However, the applicant should confirm that the application was received by DHR if it is sent by email or an FTP site. DHR staff will notify the applicant within 30 days of receipt if the application is incomplete and will not be considered. An application cannot be supplemented once submitted. Applicants should retain copies of all application materials for future reference.

Under no circumstances will late applications be considered for funding in this grant round. Please make sure you read the grant announcement, this 2016 Grant Manual, and all instructions in this application.

Submit Applications To:

David A. Edwards
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221
david.edwards@dhr.virginia.gov
540-868-7030

For questions contact David Edwards at 540-868-7030 or by email at:
david.edwards@dhr.virginia.gov